

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE/FEDERAL RELATIONS

Call to Order: By **CHAIRMAN AUBYN A. CURTISS**, on February 9, 1999
at 3:00 P.M., in Room 420 Capitol.

ROLL CALL

Members Present:

Rep. Aubyn A. Curtiss, Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Jay Stovall, Vice Chairman (R)
Rep. Kim Gillan (D)
Rep. Gary Matthews (D)
Rep. Dan McGee (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)

Members Excused: Rep. Matt Brainard (R)
Rep. Karl Ohs (R)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Deb Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJ 17, HJ 10, 2/5/1999
Executive Action: HB 173, HJ 17

HEARING ON HOUSE JOINT RESOLUTION 17

Sponsor: Rep. Aubyn Curtiss presented the resolution. She pointed out the resolution was patterned after a Lincoln County Commissioners resolution and later, one from the Montana Association of Counties. A similar resolution was earlier adopted by the Western States Forestry Task Force. She presented

a letter written by the Governors Office regarding the state's position on the issue. **EXHIBIT(sfh32a01)**

Proponents: John Hossack, retired USFS Forest Supervisor from Idaho, and a forest consultant, spoke in favor of the resolution. He said the resolution was needed to inform Congress of the adverse impacts on the national forests and rural communities. He said ICBEMP had the potential to be the greatest major disaster that the national forests have had to endure. It will not restore forest health nor will it support economic and social needs of people, cultures and communities. Initiation of the record of decision findings would be disastrous and disruptive to all the local communities in Western Montana. Social and economic value should receive equal consideration in an EIS. He discussed resource dependent communities. He pointed out the ICBEMP agenda was to emulate nature and move the landscape toward a condition that existed prior to a European occupation of the region, around the mid-1800's. He said the land now supports more population at a higher standard of living than in the 1800's, and our renewable resources have increased by more than 50%, all through management, which ICBEMP would not provide. He described the Streamside Management Act which has been successful. ICBEMP has an exclusionary management of 300 feet on either side of a stream, which means no road building, timber harvest or other activities in those areas. Essentially, this takes the most productive land out of production. The forest services is presently using many parts of ICBEMP that came out of these scientific reviews without either a peer review or record of decision. This is a violation of the National Forest Management Act. Forest management and local decisions are needed to save our forests and communities. {Tape : 1; Side : A; Approx. Time Counter : 2 - 8.2}

Larry Dolezal, former Lincoln County Commissioner and member of the Eastside Eco-system Coalition of Counties appointed by MACO, spoke in favor of the resolution. He said there was unanimous support for a similar resolution state wide. County Commissioners are very concerned about the social, economic and recreational data which was inaccurate and falsely exaggerated. County Commissioners are very concerned with balancing the stewardship of the land and the social economics and the benefits of people. The biggest concerns are quality jobs and the tax base. Natural resource jobs comprise over 90% of the basic economy of many counties. He noted many mills had closed because of a lack of raw materials being brought in. There has been a 50% decline in agriculture and natural resource activities which has affected local infrastructure such as roads. He pointed out they are harvesting less than 25% of what grows and less than 30% of what dies. They would like to see a management plan that

would accelerate recovery of dead and dying materials. That would create jobs, tax base and revenue.

Mr. Dolezal referred to a set of maps he had on the wall. The map was of the Kootenai National Forest. The areas colored in brown were the bear management units within the Grizzly Bear Recovery area but were also key areas for timber management. A second map showed the level of intensity that the suitable timber lands were being managed, in 1987 at 85%. After 1987, in 1988 and 1989, the Grizzly Bear Recovery standards were implemented in the Kootenai National Forest. In 1992, five years later there was only 45% timber (per 100 year rotation) was being accessed. 1996, a decade later, we were accessing 17% of the suitable timber lands within those bear management units which is a decline of 70-80%. He pointed out the riparian areas and watersheds were getting wider and wider; the most productive areas were becoming more and more restrictive so you cannot manage those and get timber out of those areas. There has been a decline from 85% per 100 year rotation to under 20% in just a ten year period. The last map he referred to was the ICBEMP implementation map. This was their best guess of implementing restoration type activities with the timber producing emphasis. If they do that they can maximize the ability to recover dead or dying trees and maximize the ability to access green timber. However, the ability to access suitable timber land is diminishing under their plan and continues to decline. He pointed out harvesting and sales has declined by one third from a decade ago and will be less than that if ICBEMP is implemented. He encouraged support for the resolution and the presentation to Congress. **{Tape : 1; Side : A; Approx. Time Counter : 8.6-21.8}**

Mayor Craig Eaton, from Eureka, Montana, urged passage of HJ 17. The resolution is a clear statement that Montanans are tired of studying the interior Columbia River Basin. He referred to the map of the solid line down the Cascade Mountains that comes all the way to the Continental Divide and through Oregon is the area being studied through ICBEMP. The vast area has differing topography which is not considered. There are twelve counties in Western Montana that are timber dependent and will be effected by the proposal. He said there was valuable research that came out of the EIS but it does not need to be top down management. **{Tape : 1; Side : A; Approx. Time Counter : 8.6 - 26.5}**

Cary Hegreberg, representing the Montana Wood Products Association, spoke in favor of the resolution. He noted the state Legislature had little power when it came to influencing management decisions on federal lands in the Western states. However, the Clinton administration, when it launched the Interior Columbia Basin Ecosystem Management Project (ICBEMP), it

promised state, local and county government that they would have a significant role in directing the outcome of this project. The counties have had representation in this process. ICBEMP is the largest land management endeavor planning project ever launched in the history of the world. Millions of acres in the interior Columbia Basin-Washington, Oregon, Idaho and Western Montana, have been scientifically analyzed, reviewed, studied and put into the environmental impact statements. Some of the most troubling recommendations out of the project have been referred to as one size fits all management standards for all federal lands in the entire basin. These include desert conditions to near rain forest, all governed by the same management standards - 300 foot zones of exclusion of streams probably being the most blatant example. He pointed out considerations of areas East of the Continental Divide. The administration is already looking at doing an Upper Missouri Ecosystem Management Analysis in EIS's like this. He stated the science documents that are in the Interior Basin Project are being used for social engineering purposes. He read some quotes out of the original EIS to give some indication of why people in Western Montana got so excited about the project. "Basin wide, including both public and private land, timber and wood products account for 2.5% of all jobs. Cattle and grazing account for 1% of all jobs. Mining accounts for .5% of the jobs and we calculate that 14.6% of the jobs in the Columbia Basin are attributable to recreation." He asked if this sounded true. It goes on to say "of the value provided society by the Forest Service and BLM administered lands in the basin, now and by the year 2045, the existence of "unroaded" areas will provide 47% of the value, recreation 41% of the value, timber 11% and range less than 1% of the value of federal land in the interior Columbia Basin." This is what got people's attention. He asked how "unroaded" wilderness could create economic value to a community like Eureka and Libby. **{Tape : 1; Side : A; Approx. Time Counter : 26.5 - 32.9}**

John Youngberg, representing the Montana Farm Bureau, spoke in support of the resolution. He pointed out this was not a timber problem only. There is a tremendous amount of farm land and will have the same effect. There is diversity in Montana and local input by local citizens is important. He urged support. **{Tape : 1; Side : A; Approx. Time Counter : 33 - 35}**

Don Allen, Western Environmental Trade Association, supported the resolution. He said 24 associations belong to the association ranging from the resource industry to recreation. The ICBEMP plan is massive and to achieve the eco-system health and the ecological integrity as envisioned in the document, it would be necessary to roll back the clock to before the Lewis and Clark Expedition. What happens to the local planning that has

developed over the years? The ICBEMP plan is superimposed over them as if they had never happened. Control at the local level is lost. **{Tape : 1; Side : A; Approx. Time Counter : 35.1 - 38}**

Mike Murphy, representing the Montana Water Resources Association, supported the resolution. This process has the potential to have a significant impact in every day lives. The process impacts water resource management issues. **{Tape : 1; Side : A; Approx. Time Counter : 38 - 39}**

Opponents: None.

Questions from Committee Members and Responses: Rep. McGee asked Mr. Hegreberg about the last decade logging in South America if this was a reflection of policies in the United States. Mr. Hegreberg responded the demand for wood products continues to rise. He explained that five years ago 17% of building material came from Canada. Today that number is almost 40%. This is a factor of our national forest management policies, since we have put those lands off limits to timber harvesting and handed our market share-our jobs, our economic opportunity to somebody else. He pointed out the U.S. has the most stringent environmental safeguards in the world. **EXHIBIT(sfh32a02), EXHIBIT(sfh32a03), EXHIBIT(sfh32a04) {Tape : 1; Side : A; Approx. Time Counter : 39 - 47}**

Rep. Soft asked about the maximum that could be harvested and still maintain good forest management. Mr. Hegreberg responded that the trend line had declined by 70%. He said it was debatable what the sustainable level of timber harvest was. If you are talking about replacement tree growth volume, it is huge. If you are talking about within the constraints of water quality laws, endangered species and a host of federal laws the agencies have to abide by, then it becomes debatable. The forest plans that were developed for each national forest in Montana cumulatively allowed for an allowable sale quantity of about one billion board feet, collectively, which was determined to be sustainable. Today we are harvesting 240 million board feet. **{Tape : 1; Side : A; Approx. Time Counter : 47 - 49.5}**

Rep. Williams asked about community input with the forest service. Mr. Dolezal described the meetings to get the information out, to explain the maps. The study group was formed as a result of those community meetings. There were letters written and submitted. Rep. Williams referred to the draft map and alternative number 4. She asked about alternatives. Dolezal said there were 7 alternatives in the draft EIS; #4 was preferred and the key for it was "restoration based". **{Tape : 1; Side : A; Approx. Time Counter : 49.5 - 52.3}**

Rep. Gillan asked about the reference in the resolution regarding record of decision and inconsistent alternatives. Rep. Curtiss said as far as urging termination of ICBEMP, the federal government has spent more than \$40 million dollars on this. Due to the study group and other groups involvement, a supplemental socio-economic statement was issued, which did not address any additional issues from the previous document.

Closing by Sponsor: Rep. Curtiss closed. She pointed out the document with this broad of range and all the possible ramification should require a separate fiscal evaluation conducted by the General Accounting Office. The document is severely flawed and some critical components were not addressed. It was an extremely biased assessment. The major shift from resource stewardship and management to resource restoration is a radical departure from the multiple use mandates supported by the American public. A concept, which until recently resulted in the Forest Service being the only self sufficient agency in the federal government. Decisions should be made on site specific decisions, not just the one size fits all. Delineations of responsibilities should be identified to prevent duplication and gridlock between various agencies of government. The Clean Water Act and the Endangered Species Act have a 60-80% overlap of regulatory responsibilities. One blatant flaw in the document is related to economic forecasts which give no recognition to potential for resource extraction in areas heavily mineralized. It was either inadvertently omitted or no longer an option. The analysis questioning the economic sustain-ability of some communities measures the sociological and economical ramifications of prioritizing eco-system management as opposed to good stewardship of our resources. She pointed out the legality of the entire process should be questioned. They did not follow MEPA.

HEARING ON HOUSE JOINT RESOLUTION 10

Sponsor: Rep. Aubyn Curtiss, presented the resolution. She described the Biosphere Reserves Treaty. Most of them refer to public land management but pressure is surfacing to manage private property rights, as well, for species habitat or restoration. **EXHIBIT(sfh32a05), EXHIBIT(sfh32a06), EXHIBIT(sfh32a07), EXHIBIT(sfh32a08), EXHIBIT(sfh32a09) {Tape : 1; Side : B; Approx. Time Counter : 2.3 - 5}**

Proponents: None

Opponents: None

Questions from Committee Members and Responses: Rep. Soft asked if the American Heritage Rivers were included. Rep. Curtiss said it was a separate issue but there was an overlap in that the U.N. was involved in both areas.

Closing by Sponsor: Rep. Curtiss closed. She said this was the way the U.N. exercises control over U.S. Biosphere Reserve areas through regulations from the executive branch of our own government. Because these regulations come through the executive, they are applied directly to Biosphere Reserves and may include private land. Congress is left out of the process altogether. She pointed out that those who are monitoring the rapidly changing federal public land policy and implementation of elements of Agenda 21 and the Wildlands Project, recognizes these regulatory actions and goals reflect a drastic philosophical shift from the concepts of multiple use of our public lands to that of eco-system management. Common sense dictates, that there is not enough money to restore our land to pre-Columbus conditions. Resources are beneficial to the majority of the public. **{Tape : 1; Side : B; Approx. Time Counter : 8.2 - 11.2}**

EXECUTIVE ACTION ON HOUSE BILL 173

Rep. Matthews **MOVED DO PASS.** Rep. Curtiss distributed a copy of the statute regarding Intergovernmental arrangements.

EXHIBIT(sfh32a10) She had a memo that clarified the California position on the riots. **EXHIBIT(sfh32a11)** The question was called. The motion **PASSED** unanimously.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 17

Rep. Soft **MOVED DO PASS.**

Gordon Higgins pointed out a spelling error on line 18.

EXHIBIT(sfh32a12) Rep. McGee **MOVED** the amendment. The question was called. The motion **PASSED** unanimously.

Rep. McGee **MOVED THE BILL AS AMENDED.** Rep. Soft asked if the Governor had received a response from the ICBEMP letter. Rep. Curtiss said she was not aware of one. She said there was a lot of delay. During the 105th Congress, there was a delay. The money was restored at the last minute. Now the document is being reexamined and a follow up being issued.

The question was called. The motion **PASSED** with one no by Rep. Williams. The question was called. The motion **PASSED** unanimously.

ADJOURNMENT

Adjournment: 4:24 P.M.

REP. AUBYN A. CURTISS, Chairman

DEB THOMPSON, Secretary

AC/DT

EXHIBIT (sfh32aad)